



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/020,358

10/30/2001

Eiji Kawai

09812.0484-00000.

2712

22852

7590

09/22/2008

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP

901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

PHAN, THANH S

ART UNIT

PAPER NUMBER

2833

MAIL DATE

DELIVERY MODE

09/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/020,358	Applicant(s) KAWAI, EIJI	
	Examiner THANH S. PHAN	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-14, 26-32 and 35-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-14, 26-32 and 35-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9, 11, 12, 26-32, 35, 36, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamoto et al. [US 6,889,246] in view of Hepp et al. [US 6,449,219] and Mankoff [US 6,385,591].

Regarding claims 1, 8, Kawamoto et al. disclose a system for distributing information and processing information [figure 1], said system comprising: a plurality of hand held terminal devices [31, 47] that acquire and process the information, an information distribution apparatus [column 1, lines 35-37] for distributing the information to the plurality of hand held terminal devices; and display means [31I] for displaying the information on the plurality of hand held terminal devices; and wherein the information distribution apparatus distributes additional information [figure 1, cable inf, radio inf, broadcast inf] comprising advertisement information to the plurality of hand held terminal devices at the same time as the watch information so that the additional information is displayed on a portion of the display means of the plurality of hand held terminal devices.

Kawamoto et al. disclose a system as claimed for transmitting/distributing various information, but not explicitly wherein the information is displayed on the display means of the plurality of hand held terminal devices as a video image that depicts at least a current time, and the additional information being an advertisement information, and the advertisement information is displayed as an internet banner depicting items for sale.

Hepp et al. disclose a system/device that transmitting/distributing of watch information [column 3, lines 7-8] to a terminal device/timepiece [figure 1] with additional information [column 4, lines 59-60] is displayed on a display [1] as video images [column 1, lines 61-63].

Since Kawamoto et al. and Hepp et al. are both from the same field of endeavor, the purpose disclosed by Hepp et al. would have been recognized in the pertinent art of Kawamoto et al.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the watch information and other information as taught by Hepp et al. with the system/device of Kawamoto et al. for the purpose of presenting a unique and personalized time display sequence on a display device.

Mankoff teaches a method and system for electronic downloaded electronic coupon/advertising banner to a portable device/PDA [abstract].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teachings of Mankoff with Kawamoto et al. and Hepp et al. for the predictable purpose of readily having the banner/coupon when needed.

Regarding claim 2, Kawamoto et al. and Hepp et al. disclose the claimed invention. Kawamoto et al. further disclose wherein the handheld devices comprising a memory card [11's] capable of storing and/or carrying information and insertable into the handheld device.

Regarding claims 3, 14, Kawamoto et al. and Hepp et al. disclose the claimed invention. Kawamoto et al. further disclose wherein the information is distributed as data to the plurality of hand held terminal devices by using existing broadcast infrastructure and/or communication infrastructure [figure 1].

Regarding claim 4, Kawamoto et al. and Hepp et al. disclose the claimed invention. Hepp et al. further disclose wherein the watch information comprises at least video image information of a clock character board [figure 1; and column 1, lines 61-63].

Regarding claim 5, Kawamoto et al. and Hepp et al. disclose the claimed invention. Kawamoto et al. further disclose wherein the plurality of hand held terminal devices [31] comprise: an operating section [CPU 31A] operated to input operational information concerning the information; a receiving section [31E] that receives the information; a storage device [31B, MC] that stores the information received by the receiving section; and a control unit [31A] that reads out the information from the storage device according to the operational information.

Regarding claim 6, Kawamoto et al. and Hepp et al. disclose the claimed invention. Kawamoto et al. further disclose wherein the plurality of hand held terminal devices are hand held telephone sets [31] that comprise: a tuner [31E] that receives information from a broadcast station; a storage device [31B, MC] that stores the

Art Unit: 2833

information received by the tuner; a data processing section [CPU 31A] that reads out and processes the watch information stored in the storage device; and a hand held telephone function controlled by the data processing section.

Regarding claim 7, Kawamoto et al. and Hepp et al. disclose the claimed invention. Kawamoto et al. further disclose wherein an information provider records the information in an information recording medium [memory card MC], and provides the information to a user, and wherein the user mounts the information recording medium on a hand held terminal device, to use the information via the recording medium [illustrated in figure 1].

Regarding claims 9, 11, Kawamoto et al. and Hepp et al. disclose the claimed invention. Hepp et al. further disclose wherein time information provided by an information provider is distributed as data to a user, so that the user is able to correct the watch information managed by the plurality of hand held terminal devices based on the time information received from the information provider [column 3, lines 5-15].

Regarding claim 12, Kawamoto et al. and Hepp et al. disclose the claimed invention. Hepp et al. further disclose wherein a video image associated with a season is automatically displayed on the display means of the plurality of hand held terminal devices [column 3, line 11].

Regarding claims 26-32, 35, 36 and 38, the method steps are necessitated by the apparatus structures as disclosed in the above claims.

Art Unit: 2833

3. Claims 13 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamoto et al. and Hepp et al. as applied to claims 1 and 26 above, and further in view of Lim [US 6,628,974].

Regarding claim 13, Kawamoto et al. and Hepp et al. disclose the claimed invention except for wherein the plurality of hand held terminal devices [cell phone 31] are a foldable type, and an opening angle of the plurality of hand held terminal devices is adjusted according to a user's preference.

Lim discloses a hand held device is a foldable type [figure 5].

Since Kawamoto et al., Hepp et al, and Lim are from the same field of endeavor, the purpose disclosed by Lim would have been recognized in the pertinent art of Kawamoto et al. and Hepp et al.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the foldable design of Lim with the device of Kawamoto et al., as modified, for the purpose of providing components protection.

Regarding claim 37, the method steps are necessitated by the apparatus structure disclosed as in claim 13.

Response to Arguments

4. Applicant's arguments filed 05/28/08 have been fully considered but they are not persuasive. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413,

Art Unit: 2833

208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In the instant case, the utilization of transmitted information in/to a portable/mobile device is indeed taught by Kawamoto, Hepp and Mankoff. In addition the applicant argues that the references fail to teach "watch information" and "advertisement information" at the same time. The examiner disagrees and repeats his assertion that Kawamoto disclosed wherein additional information is received [prior to be display] at the same time as indicated in figure 1. Since Hepp teaches the capability to display additional information in conjunction with time information, it would be obvious to one of ordinary skill in the art at the time of the invention was made to modify the device to display a variety of information in conjunction with time information.

Conclusion

5. **THIS ACTION IS MADE FINAL** necessitated by amendment. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THANH S. PHAN whose telephone number is (571)272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thanh S. Phan
AU 2833

/Edwin A. León/
Primary Examiner
AU 2833
for Thanh S. Phan, Examiner of Art Unit 2833